

Public Safety - 6/13/13

**PUBLIC SAFETY COMMITTEE**  
**OF THE**  
**SUFFOLK COUNTY LEGISLATURE**  
**Minutes**

A regular meeting of the Public Safety Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York on Thursday, June 13, 2013 at 9:30 a.m.

**Members Present:**

Legislator Kate Browning, Chairperson  
Legislator Robert Calarco, Vice-Chair  
Legislator DuWayne Gregory, Member  
Legislator Kara Hahn, Member  
Legislator John M. Kennedy, Member  
Legislator Tom Muratore, Member  
Legislator William Spencer, Member

**Also in Attendance:**

George Nolan, Counsel to the Legislature  
Renee Ortiz, Chief Deputy Clerk, Suffolk County Legislature  
Alicia Howard, Clerk's Office, Suffolk County Legislature  
Kellianne Sacchitello, Aide to Legislator Muratore  
Lora Gellerstein, Aide to Legislator Spencer  
Paul Perillie, Aide to Legislator Gregory  
Michael Pitcher, Aide to Presiding Officer Lindsay  
Jaber Amed, Intern, Legislator Kennedy's Office  
Dr. Yvonne Milewski, Chief Medical Examiner  
Patrice Dishopolsky, Director, Suffolk County Probation Department  
Tracy Pollak, Suffolk County Police Department, Headquarters  
Richard Stockinger, Suffolk County Fire Academy  
Suzanne McBride, SCAME Police Emergency Unit President  
Michael Sharkey, Suffolk County Sheriff's Office  
Arthur Sanchez, DSPBA  
Gerard Frielingsdorf, SC Police Department, Sergeant  
Mike Postel, Suffolk County Police Department  
Kenneth Holvik, SC Police Department, Lieutenant, Highway Patrol  
Lou Tutone, Suffolk County Police Department.  
Russ McCormick, Suffolk County Police Department  
Dr. Errol Toulon, County Executive's Office  
Tom Vaughn, County Executive's Office  
Sandra Sobolewska, Intern, County Executive's Office  
Bob Marmo, Criminal Justice Coordinating Council  
Anthony Sullo, FRES/SC Volunteer Firemen's Association  
Greg Miniutti, FRES  
Ed Schneyer, FRES  
John Bogeck, Suffolk County Resident  
Other Interested Parties

**Minutes Taken By:**

Alison Mahoney, Court Stenographer

**Minutes Transcribed By:**

Alison Mahoney, Court Stenographer

Kim Castiglione, Legislative Secretary

*(\*The meeting was called to order at 9:44 A.M. \*)*

*(\*The following testimony was taken Alison Mahoney - Court Reporter  
& was transcribed by Kim Castiglione - Legislative Secretary\*)*

**CHAIRPERSON BROWNING:**

Good morning. We'll start the Public Safety Committee meeting. If you would all stand please for the Pledge of Allegiance led by Legislator Hahn.

***Salutation***

And a moment of silence for the men and women who defend our country.

***Moment of Silence Observed***

Thank you. Okay. I have two cards. The first card is Richard, and I'm sorry I cannot make out what the last name is. Is there a Richard in the room, Suffolk County Fire Academy? Oh my God, is that you?

***(\*Laughter\*)***

**CHIEF STOCKINGER:**

I'm sorry, Madam Chair. I just wanted to take a minute and thank you folks. I think you're all aware that I'm retiring the end of this month from the Fire Academy after 18 years of service, and this committee has been very influential in keeping the Fire Academy going, even in the last few years with the fiscal issues and all. You always seem to come through and help us out whenever we've needed it, and it's made a huge amount of difference. I just wanted to thank you all for your support, for your kindness and coming out and visiting us and seeing what we do, and most of all for what you have done for the volunteer fire service in Suffolk County. We're their training academy, the only place that they can come to get the training, and you folks have enabled us to do our job to the best of our ability.

So I just wanted to thank you all, wish you all continued success and trust that you'll give the same support to my successor. Bob Holly will be taking over as the Executive Director and Ed Johnston will be the new Deputy Director. Ed is an 18 year veteran at the academy also. He's also a combat veteran from Iraq, so he's going to do a great job. He's an outstanding instructor and I know he's going to be a great administrator. So you'll be seeing them at the next meeting.

Again, I just wanted to thank you all for all of your support that you have given me during my term. Thank you all very much and continued success to this committee.

**CHAIRPERSON BROWNING:**

We just want to say thank you for all the work you have done. We have a great Fire Academy and with your leadership, and I know you're passing the torch on to some good people. So again, thank you, but I don't think we're not going to see you. I think you'll be around.

**CHIEF STOCKINGER:**

I'm going to try. I'm actually relocating. I'm going to be moving out of state. I'm moving to Georgia, but I still have a lot of family left here so I will be back.

**CHAIRPERSON BROWNING:**

Well, make sure you come and visit us.

**CHIEF STOCKINGER:**

I definitely will. Thank you.

**CHAIRPERSON BROWNING:**

Thank you for everything you do. Thank you. Okay, Suzanne McBride.

**MS. McBRIDE:**

Good morning, Madam Chair, members of the committee. Thank you again for giving me the opportunity to speak. My name is Suzanne McBride. I'm the AME Police Emergency Unit President, representing the men and women at the 911 Call Center. As you know, we have been suffering with severe staffing shortages at the center for quite some time, and again I'd like to thank this committee and the County Executive for the steps that have been taken so far.

I'm here today to support the resolution being put forward by Legislator Hahn to establish the Emergency Action Team for the 911 Emergency Center. I think it's a wonderful idea if we can develop a pool of our retirees to call on when we are either short staffed or we have an emergency in the County. Unfortunately, I don't know how much immediate help it will be. Most of our retired employees that have left recently left because they were just completely burnt out and stressed out, and many of our members have to work 25, 30 years in the Call Center and that's just a lot of time, and to come back after they've retired, I don't know how many of them are that insane. But I do appreciate the effort and I do hope it helps down the road.

Just a quick update on where we stand as of today. We still have not hired any additional since the last time I was here. Unfortunately, the reports I'm getting on one of our new hires, it doesn't look like she's going to make the training for a dispatcher. And also this past week one of our members passed away after a long battle with cancer. We have additional members that have gone out on health related issues, either stress or other health matters, so as you can see, we are continuously every day losing someone.

I'm here today to ask maybe an additional step that we could take is to establish a committee of some sort of employees from the 911 Center, management from the department, from Labor Relations, possibly members of this committee, to sit down and discuss ways that we can help prevent the hemorrhaging of employees that we are seeing now. A lot of my employees have some very good ideas on how to extend their work life, how to make things better. We've done our best to bring them forward. Unfortunately, whether it's contractual problems or whatever the case may be, none of them have been implemented. I would like to see some way to fix this problem a little quicker, make life a little easier on these people. Thank you very much.

**CHAIRPERSON BROWNING:**

Thank you, Suzanne. And I know Errol Toulon is here and Tom Vaughn, as always. But the Performance Management Team, I believe, has been with you guys; am I correct, Suzanne?

**MS. McBRIDE:**

The Performance Management Team, from what I understand, they were in our Call Center. After talking with the majority of my employees, the people who actually do the work, I don't believe that any of the actual employees were talked to. I believe they spoke with management as far as what the issues were. I could be mistaken, I could have missed an employee that they spoke to, but I have not personally spoken to one employee that they have actually talked to. I really feel that we need to speak to the employees who do the job to get an understanding of what's going on.

**CHAIRPERSON BROWNING:**

I think you're right, so Errol maybe this does fall on to you as the 911 Operators, so maybe you can talk to Suzanne and maybe try and open up some dialogue with the employees, because I see it in all the departments. They'll say, "Well, why are you doing this? We know we can do it this way and

it would save time, it would save money." So I do believe that employees can certainly give a lot of good input. So I'm sure at some point you'll talk.

I don't have any more cards. Is there anyone in the room who would like to speak? With that, no. Okay. We do have a presentation, however we do have an appointment for the Fire Rescue Emergency Services Commission.

*(\*Legislator Spencer entered the meeting at 9:52 A.M. \*)*

So I'd like to make a motion to take out of order **1451, Approving the appointment of Anthony Sullo as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (County Executive)**. Do I have a second? Second, Legislator Calarco, to take out of order. All in favor? Opposed? Abstentions? It's taken out of order. I'll make a motion to approve 1451 -- sorry, you were going to change that. Anthony, if you would like to come up and introduce yourself and tell us a little bit about yourself.

**MR. SULLO:**

Thanks. I'm from the West Babylon Volunteer Fire Department, 21 years, and I'm representing the Suffolk County Volunteer Firemen's Association under the FRES Board.

**CHAIRPERSON BROWNING:**

Sorry, Anthony. Go ahead.

**MR. SULLO:**

I'm part of the West Babylon Volunteer Fire Department. I'm a member for over 21 years, and I'm part of the Suffolk County Volunteer Firemen's Association as part of -- for the FRES Board. And I've been on many joint commission meetings and regular committee meeting, and been a part of Suffolk County Volunteer Firemen's about -- almost 20 years.

**CHAIRPERSON BROWNING:**

Okay. Anybody have any questions? No? This is going to be easy. Say hello to my friend Billy Klein when you get back. He's with the West Babylon Fire Department, right?

**MR. SULLO:**

Yes.

**CHAIRPERSON BROWNING:**

So I appreciate it. I guess there was an error in the resolution, so what we're going to have to do is do a discharge without recommendation and we'll have an amended copy on Tuesday. You don't have to be there. Thank you for your service and I'm looking forward to seeing you at the FRES meetings.

**MR. SULLO:**

Thank you.

**CHAIRPERSON BROWNING:**

Thank you. So I'll make a motion to discharge. Do you want to make the motion?

**LEG. GREGORY:**

What I was saying -- I didn't think you called the vote to take it out of order.

**CHAIRPERSON BROWNING:**

We did.

**LEG. CALARCO:**

She's got it, Alicia's got it.

**CHAIRPERSON BROWNING:**

It's morning. So I guess I'll make it to discharge without recommendation. Legislator Calarco made that motion. Second, Legislator Gregory. All in favor? Opposed? Abstentions? Is there an issue, John? Do you have a question?

**LEG. KENNEDY:**

Madam Chair, I apologize. So what are we doing; this is for an appointment?

**CHAIRPERSON BROWNING:**

Yeah, there's an error in the resolution. Mr. Vaughn.

**LEG. KENNEDY:**

What's the problem, Tom?

**MR. VAUGHN:**

The Presiding Officer's office made us aware that there was some type of mistake in the resolution, so what we want to do is discharge it without recommendation. I'll amend it with a CN on Tuesday.

**LEG. KENNEDY:**

Which one? I apologize.

**MR. VAUGHN:**

1451, sir, the appointment of Mr. Sullo. And pardon me, sir, if I just mispronounced your name.

**LEG. KENNEDY:**

Okay, sure. So he's here and he's well qualified, fine. Thank you. I apologize. Okay.

**CHAIRPERSON BROWNING:**

Okay. So there was a motion and a second. All in favor? Opposed? Abstentions? It's discharged without recommendation (**VOTE: 7-0-0-0**). We will see the CN on Tuesday.

There was someone who just came into the room, Mr. Bojack, John Bojack; am I correct? Turn your mike on and push the button.

**MR. BOJACK:**

Thank you very much. I apologize, I thought these meetings started at 10 o'clock. I guess that's a change in --

**CHAIRPERSON BROWNING:**

No, this one starts at 9:30 because we've got -- so much goes on in all three committees today.

**MR. BOJACK:**

All right, so I'll be as concise as possible. Some of you may remember me. My name is John Bojack. I'm a retired Child Protective Services caseworker. I have appeared in front of the Human Services Committee in March and April regarding the Justin Kowalczyk case. Just to refresh your memory about that, in October of last year Justin Kowalczyk was found, his body was found anyway, buried at a residence in Farmingdale. At that time there was a CPS investigation and the State Police became involved as well. Newsday began to report about that case and another case in March, and I came to talk about why those cases should not be sealed.

You may recall the Acting Commissioner of Social Services, Mr. O'Neill, appeared, invoked confidentiality, refused to discuss any CPS involvement in the Kowalczyk case, but did say to the social -- the Human Services Committee at that time that the matter, being under police investigation, was a matter that he was leaving to the police to further investigate and to disclose. Now, it's been two months since that testimony by the Acting Commissioner of Social Services. It is now six months since that child's body was found, and in all that time there does not appear to be any kind of official revelation of any sort whether that was a homicide or an accidental death.

I am asking the committee, since the Commissioner of Social Services has made this a police matter, whether or not it might inquire from the Chief of Police of our County what the progress of that investigation might indeed be, so that Justin can have some kind of conclusion as to what happened to him. So that's my request, that the police be brought here and asked to comment on the current status of that investigation.

**CHAIRPERSON BROWNING:**

Okay. We do have a representative from the Police Department. I'd -- you know, obviously I don't know where the investigation is on it, if there's still an investigation and clearly it's -- it may be an issue that we can't publicly discuss. Can we possibly get a hold of the -- you know, maybe talk to the Commissioner and see if there is an answer we can get to this?

**MR. FRIELINGSDORF:**

I will pass that information on, but we don't comment on active investigations.

**CHAIRPERSON BROWNING:**

I need you on the mike.

**MR. BOJACK:**

Thank you very much.

**CHAIRPERSON BROWNING:**

Can you state your name for the record also?

**MR. FRIELINGSDORF:**

My name Gerard Frielingsdorf. I'm a Sergeant with the Suffolk County Police Department. We don't comment on active homicide investigations, but I will pass the information on.

**CHAIRPERSON BROWNING:**

Okay, but it's an active case.

**MR. FRIELINGSDORF:**

I will have to look into the matter. I'm not personally familiar with it.

**CHAIRPERSON BROWNING:**

Well, that's -- but obviously if there is any information that can be provided to us. Do you have a question?

**LEG. CALARCO:**

What I was just going to ask, if there was any kind of information you could provide to us, even if it's something that could be just shared with the Legislature knowing that we have to keep some confidentiality. We just want to make sure that this issue is being followed up on properly. This was a 17 month old child, I think, that was found buried in a backyard. It's very disturbing and to not hear anything come of it for some time I think is worthy of us to look into.

**MR. FRIELINGSDORF:**

I agree. Any information that we can share we will, but some information can't be shared because it would compromise the investigation. I will find out for you.

**CHAIRPERSON BROWNING:**

Okay, and don't go anywhere because Legislator Spencer, I think you have a question on a separate issue. You might as well stay.

**LEG. SPENCER:**

Good morning. We may get into this a little bit more later on, but I'm sure we are aware of the tragic shootings that occurred over the last couple of weeks -- a couple of weeks ago, and I guess my concern, I heard one of the responses was -- were that we were going to rejoin the Federal Gang Task Force. Are you aware of that?

**MR. FRIELINGSDORF:**

I have heard some conversation about that but I'm not in a position to discuss any particular involvement with that.

**LEG. SPENCER:**

Okay. What I would like to see if I can get an answer to was that I think at this committee or off -- and then speaking directly with the Commissioner's Office, I had expressed a concern about that Gang Task Force that we were off of it, and the response that I was given was that when we send resources there are officers there, that we're utilizing employees' full-time positions, but we don't get the return from our service on that task force, which is why we had gotten off. And I accepted that answer. I guess my concern is, is that after the shootings then I see that we are now rejoining the task force.

So I would like to see if I can find out why the change in heart, and if we weren't getting anything out of being on it before, why -- was there something new that we were going to be gaining from it? You know, it just was kind of a change in position, and so I would love some help. I don't know, Tom, if you could shed some light on it.

**MR. VAUGHN:**

Legislator Spencer, we would be happy to discuss that. The one thing that I just want to make the committee aware of, Captain Hardy, who is the normal police representative is not here today. The Sergeant is filling in. So if there are questions we will be happy to get them back and get back to you on them after the committee.

**LEG. SPENCER:**

Sure, and the spirit of the question is not to in any way to be confrontational or embarrassing.

**MR. VAUGHN:**

No, not at all.

**LEG. SPENCER:**

But just as far as for me as a Legislator that specifically made that inquiry it would be very helpful.

**MR. VAUGHN:**

I completely understand. We would be more than happy to try and provide you with that answer that you find satisfactory.

**CHAIRPERSON BROWNING:**

Okay. No more questions? Okay. I know Commissioner Williams, just as an FYI, he did call. He's at a meeting that he is not able to attend today. I see Mike Sharkey is here. Mike, do you have

anything you want to report?

**CHIEF SHARKEY:**  
*(Shook head no.)*

**CHAIRPERSON BROWNING:**

Okay. And I know, I guess Patrice, you are going to be coming up with the ATI presentation I'm assuming?

**MS. DLHOPOLSKY:**

I'll be here for questions.

**CHAIRPERSON BROWNING:**

Have I covered everybody?

**LEG. HAHN:**

No.

**CHAIRPERSON BROWNING:**

Who's missing? Oh, I'm sorry. Is there anything specific you'd like to speak on?

**DR. MILEWSKI:**

No I'm just here for the resolution.

*(\*The following testimony was taken & transcribed by  
Alison Mahoney - Court Reporter\*)*

**CHAIRPERSON BROWNING:**

Okay. So I guess we are ready now for the presentation; Errol Toulon, Dr. Marmo, Patrice, and I don't know who else you're going to bring up with you.

**DR. TOULON:**

Good morning, Madam Chair and Members of the Committee, and thank you for giving us the opportunity today to talk about ATIs. Before we talk about ATIs, I would like to discuss the complex Criminal Justice System in Suffolk County.

In addition to other responsibilities, I have the task and the role of public safety of being the Chairperson of the Criminal Justice Coordinating Council, Co-Chairperson of the State {RANCHI} Task Force, and Probation Department reports to me.

One of the goals as CJCC Chair is to bring together all the individual components in the Criminal Justice System here in Suffolk County. I am sure you know each entity has its own mission, and with it varying degrees of challenges and obstacles. Another objective is to open the lines of communication and have a unified group working together to address the many issues in the County. And just to give you an overview of what I've done so far, I met with Robert Maccarone, who's the Deputy Commissioner and Director of the Office of Probation and Correction Alternatives, to discuss the trends in New York State regarding alternatives and the difficulty in funding across the State.

Realizing the intricacies of our system, I met with several members of our judicial system in April and May to evaluate the needs of the courts when a defendant is before them. I met with the Administrative Judge and the judges presiding over Family, Sex Offender, Drug, Youth and Mental Health Court to discuss their thoughts on our system and ATIs.

I have spoken on several occasions with Sheriff DeMarco on working and formulating a plan to see how we can combat recidivism in our County. We are both scheduled to meet with the State Commission of Correction later this month.

At weekly meetings and discussions with Patrice Dlhopsky, our Probation Director, and also Deputy Commissioner Mention-Lewis from the Police Department on a comprehensive plan, and have scheduled meetings in the near future with the Legal Aid Society to better understand their challenges.

One of the things that we're looking at doing is changing our CJCC website to incorporate, once we have formulated a plan with all these different entities, what are they looking for, for information regarding ATIs, so that they have something that they can refer to on a day-to-day basis, whether it's the courts, the private attorneys or Legal Aid, that can actually recommend to the Judicial System different programs that are available. So we want to formulate the information that they want instead of information that was previously just given on the website. Another thing that we have done was starting to include academic institutions into the CJCC so that they can better partner with us to give us best practices, and also assist us with various research.

Measuring and reducing recidivism is a challenge facing not only our County and State, but also our entire nation. As you know, I was a Captain on Rikers Island for 22 years, and at times our population exceeded over 25,000 inmates, which at the time caused Mayor Koch to institute a 10% bail reduction. While we are not in any way approaching those numbers, there still remains the fact that the individual returning home from incarceration, those on parole and probation have to want to change their behavior themselves. The institutionalizing individuals who have been told during their incarceration when to eat, sleep, when they can visit loved ones is part of that behavior change. That is -- that, in addition, is the behavior change which caused them to be incarcerated with. Working with the entire Criminal Justice System in Suffolk County and having effective youth and resource centers can work towards that change.

Dr. Marmo will give the ATI presentation, but I did want to speak to you about what the CJCC is doing. And if you have any questions or recommendations or comments, I would be happy to hear them and try to address them for you.

**CHAIRPERSON BROWNING:**

Okay. I think -- yeah, go ahead and start the presentation. But I just wanted to say one thing, is last night I was in Bellport, and Patrice is familiar with the meeting last night, and, you know, I've learned about nine-year-olds being recruited to join into a gang. And, you know, we have learned about an individual who's recruiting them. And, you know, so clearly it was very disturbing when I'm at a meeting with about 30 children who are talking about the gang activity and being beat up, and it's scary. These kids are not able to walk in their own neighborhood without being attacked, and it really was very disturbing.

And when we talk about alternatives to incarceration, where are these alternatives in North Bellport? We have kids who are terrified in their own neighborhood. People who have just moved in, one lady was there, just moved in in September into the North Bellport area. And we've heard about Habitat for Humanity, they can't even get people to live there. So there's something seriously wrong, and I know it's going to be -- it has to be a combination between the Police Department, Probation, you know, working on alternatives, but the fact that people don't want to live there and the people who live there want to leave, and some of them are stuck, and, you know, there definitely needs to be something done there. So, when we talk about alternatives to incarceration, I do question what's going on in North Bellport, you know, because we have -- nine-year-olds are being forced to join gangs.

So I hate to start off like this, but, you know, if you want to start, go ahead and start with the presentation, and I'm sure we'll have plenty of questions for you afterwards.

**DR. TOULON:**

Well, one of the things, if I may interject before Dr. Marmo starts, is the fact that Deputy Commissioner Mention-Lewis is in Bellport community-mapping, looking at the resources. And I know she's actively identified, because at the last Community Policing Forum, which we had last Monday in Coram, she had identified a few of the community members who are actually mapping, doing community mapping, and looking and seeing what resources are in Bellport, so I know she's actively doing that.

**CHAIRPERSON BROWNING:**

Well, I'm just worried with the summer and the good weather coming that we could have some children wind up being killed, so -- but go ahead. I'm sorry.

**DR. MARMO:**

Okay. Thank you, and I promise to make this brief. I know there's a lot of material here. I sent everything to everyone so you'd have a chance to really look at it, because there's a tremendous amount, and we also brought hard copies of everything.

So I'll go through the presentation, and the purpose of it is to just give a brief overview of what exists now in Suffolk County regarding alternative to incarceration programs. This had come at the request of the committee earlier in the year to get a sense of what's in place, what's working, what's not working, and what can be done. So this will just reflect what is in place at this moment.

So, as the New York State Division of Criminal Justice Services, they define ATI programs primarily as cost-effective programs. And when we talk about cost effective, it's in lieu of jail, which is the most expensive form of corrections. So anything less than that becomes more cost effective, and then alternative to incarceration programs are really to help reduce recidivism, promote public safety, and try to change behaviors so that people don't re-offend.

Now, just -- I put in a couple of slides here to give you just a little background on the population. The jail population, as you well know, in Suffolk County has been roughly around 1500 to 1600 people. So the 2012 average was about 1552, and about 72% of those are unsentenced. So those are the people that are awaiting trial. And 2013 is just a slightly bit less, 71% unsentenced, but that's been a pretty steady percentage of unsentenced versus sentenced, and that does play into what alternatives become available.

Now here, I also put in just to give you a framework for crime rates, from 1980 to 2011, crime in Suffolk County, as well as most of the country, has been on a steady decline. We seemed to reach the height in the late '80's, early '90, and it's been on a pretty steady decline. So from '80 to 2011, the index crimes did go down 60%, we've been fortunate in that sense.

Now, with ATI programs, the Justice Department, New York State, there's a wealth of research that's been done over the last 30 or so years, and one of the key researchers is Criminologist Edward Latessa. He's at the University of Cincinnati. He worked with New York State, as well as a consultant, and years ago he had come up with what were the most effective ATI programs, what were the key principles that they included. So, for ATI programs to be successful, they have to either have or do all of these: They have to target the needs of the high-risk offenders. So they look at identifying who are the people that are most at risk of repeating offenses. What are the needs? And they talk about criminogenic needs, criminogenic risks, which are all the factors, all the pathways that lead people into criminal justice. And then the treatment principle is what do the programs do to address those specific needs? And then the fidelity is how well the programs are implemented, designed, and if they're being carried out the way they were designed. So these have

been the standards nationally for what ATI programs should include.

And here's a continuation, is that they have to be based in research and good theory, have strong leadership, do the assessment, use proper instruments that are valid and reliable. The treatment services have to be valid, reliable. Also, you have disrupting criminal networks, which comes in at the law enforcement end, having qualified staff, providing aftercare, evaluating what they do, and then having the sufficient resources and support to continue them.

So, again, these are sort of the standards of practice that have been in effect in guiding programs across the country for years.

So one of the questions is always what works, what doesn't work, what's more effective than others. What we've learned over the years is that the cognitive behavior treatment programs for adult offenders seem to be the best models for reducing recidivism by changing thoughts, changing how people behave, then you can move them away from crime and into other areas. And any of the evaluations of those programs have been shown to reduce recidivism.

Now, keep in mind, any program that's in lieu of jail is still going to be cost effective, because even if it don't reduce recidivism any more than jail, you're still paying less for that program. So they talk about the cost effectiveness being a factor, even if the recidivism is not different. Some programs that aren't effective, intensive supervision without treatment has not been effective. But if intensive supervision is paired with treatment, that's been shown to be effective. So that's one example.

And this article that I cited here from the Washington State Institute for Public Policy, they looked at all the research, all the program evaluations over the last 20 or so years and came up with what were the programs that worked and didn't work.

Now, in Suffolk County, we've got programs that are -- primarily they're based either in Probation, which itself is an alternative. We have court programs, and then we have some other programs that don't fit into the court or Probation. Now, what I had sent you and what I have here is the full description of each of those programs. I'm not going to go through those now, but they exist. But in Probation, you've got a number of programs within Probation that have some specialized services. Some have specialized approaches that are all based upon the assessment of the offenders. And these are the programs that exist within Probation, and these are all funded through the County. So you have the Batterers Program, which is Domestic Violence Program, you have the Day Reporting Center for substance abuse and mental health. You have the Intensive Supervision Narcotics Unit, which is the supervision with the treatment paired with it. You have the interim probation. You have the electronic surveillance, the ignition interlock, and then you have the Mental Health Unit, which is a specialized unit for mental health offenders, the Probation Addictions Treatment for substance abuse, and then the pretrial supervised release. So these are all components of probation programs.

Then we have the programs that are based within the court system and they're referred to as either treatment courts or speciality courts. These are all -- the full descriptions are all on the New York State Court website, and most of these models are national as well. The most prominent being the Drug Court, Suffolk County's Drug Court's been in existence I think about 15 years. You have the Judicial Diversion Program which is a form of a drug court; you have the Mental Health Court; you have the East End Regional Intervention Court, which is also for substance abuse; you have the newest court which is the Veterans Court, which is specialized treatment services for veterans in the system; you have the Suffolk County Misdemeanor Domestic Violence Court and the Integrated Domestic Violence Court. So those are all speciality programs that the courts have available.

And then we have other programs that provide alternative services to the County. The Community Service Program, which is now operated by EAC, that's funded through Suffolk County, through the Probation Department. You have the Suffolk Treatment Alternatives for Safe Communities, or the TASC Program, that's not funded through Suffolk County, that's fully funded through New York State Office of Probation and Correctional Alternatives, that's operated by EAC as well. You have the Legal Aid Society's Defender-based Advocacy Program which is partially funded by New York State OPCA. Then we have the Sheriff's DWI Jail Alternative Facility, which is operated through the Suffolk County Sheriff, it gets partially funded through New York State OPCA. And we have the Dual Recovery Program which is funded through Suffolk County but through the Health Department and through Probation, and that's a program that is in the Farmingville Mental Health Clinic that's for offenders with serious mental illness and some with co-occurring substance abuse. So those are the other programs that exist.

The programs that New York State funds statewide, so the Office of Probation Correctional Alternatives funds throughout New York State. So in their 2012 report of ATIs, they reported on 37 community service programs that they funded finding that 84.6% successfully completed the program. The Pretrial Services Program, they reported on 44 programs throughout the State, they had a failure-to-appear rate of 2.8, which is for offenders who are awaiting trial and they're supervised and there was only 2.8% that didn't appear.

Then you have a range of specialized drug and alcohol programs. There were 46 that had a 70.9% completion rate. Defender-based advocacy there were 11 programs, all their plans were accepted. And then the TASC models, there were 15 TASC programs in the State with an 81.4% successful completion.

In Suffolk County, these are the three programs that the State reimburses us for under their ATI funding. Our Pre-Trial Supervised Release and Probation, the Legal Aid Society's Defender-based Advocacy and the DWI Jail Program. So we get a total of 285,431 for this year to fund those programs and the rest are funded through the County.

Now, some of the outcomes for Suffolk County programs in Probation from 2003 to 2012, overall the felony recidivism rearrest has gone down 31%. So the violent felonies have gone down 13 from last year. From 2011 to '12, felony drug recidivism went down 31%, and felony drug recidivism over the last ten years is down almost half, 47%. So we've seen some positive changes.

The OPCA looked at felony rearrests in 2011 and looked at long-term recidivism. And after a year of being sentenced, it was 8.4% recidivism or rearrest; after two years it was 14%; after three years, 18%. The overall success for all adults on probation supervision has been 72% successful compared to New York State's average which is 67%, and all non-New York City Counties was 64%. So Suffolk's done a little bit better on comparison to other counties. The GPS program we had in 2012, an 80% success rate.

In -- just going back in 2007, some of the outcomes that were done. The rearrest rates are pretty low. I won't go through all of these, but just in terms of some of them. The Domestic Violence Program, you had 14% were rearrested. You mentioned the gangs, the Gang Intervention Program had 31% rearrested, that's a high group there. The Mental Health Unit, which are serious mental health cases, that was 12.5% rearrested. So these have been some of the outcome rates there.

For parole, which is now the offenders who are being released from the State prisons back to Suffolk County on parole, we've also seen some reductions over the years. From 2003 to 2012, we saw rearrests down 14.9%; violent felony arrests between 2011 and '12 went down a little bit, 3.4; and total felony recidivism decreased by 1.4 between 2011 and '12, and that's for the parole group.

In the Suffolk County Courts, the Suffolk County Drugs Court had had a formal evaluation done by the Center for Court Innovation and that became a national model of effective programs for other counties and states to look at. So the Suffolk County Drug Court had a 28% reduction in recidivism, and that's listed on the Justice Department's website called *crimesolutions.gov*, and if you search that for effective programs, that's one of the models that we can be proud of.

Just finishing up, some of the other ATI outcomes in 2011, the pretrial service and supervised release in probation had a 1% failure-to-appear, and that compared to New York State, which was 2.6%, so we did a little bit better than the State. The TASC Program for Suffolk, 85.2% completion compared to New York State of 75%. Community Service Program 2011 had a 71% completion compared to the State which was 86, and that was the year that we were having the transition from Red Cross to Probation. So in 2011, that program didn't do as well as New York State, but overall still had a pretty good completion rate. And the Defender-based Advocacy had 100% acceptance rate of their reports.

So here's a couple of websites that list everything that I presented. The problem-solving courts, their full descriptions are on the State Court website; the crime solutions for the Justice Department I mentioned; the New York State Office of Probation and Correctional Alternatives has all their reports and outcomes; and then the Washington State Institute for Public Policy, which had done all the research on ATIs nationally, has all their reports on their site.

And then I also forwarded the report on recidivism in Suffolk County, you should have that as well and there's hard copies. All right. So that's it (*laughter*).

**CHAIRPERSON BROWNING:**

Okay. I think we have a few questions. Legislator Hahn, you're first.

**LEG. HAHN:**

Hi.

**DR. MARMO:**

Hi.

**LEG. HAHN:**

Can you go back to your slide number six? And just for the audience, this is the *Effective ATI Programs Contain*, and then there are several bullets here.

The programs that Suffolk County funds, are we certain that all of those items are a part of everything that we fund? All of our programs are based on research and sound theory, evaluate what they do, formal evaluation? Do we have -- you know, New York State has an annual report of the programs. Is what you have in front of you like your annual report that we get of each one of our programs?

**DR. MARMO:**

Well, sure. All the Probation programs have to report and evaluate periodically, I think it's quarterly or annually almost all of those. So you have the State oversight of all those Probation programs. The other programs that were listed, like Community Service, TASC, they're all overseen by the State as well, and then the court programs are all models that follow all of these principles. Some have been formerly evaluated by the Office of Court Administration, others have been evaluated in other jurisdictions around the country, and then it's just making sure that the courts are following the same principles.

**LEG. HAHN:**

Okay. So I just want to make sure that we're on top of all of our programs. Because, you know,

I'm not quite clear what is an acceptable reoffender rate, obviously for different populations it's going to be different. It's very hard to determine full success of a program because there's so many factors that go into it. But I want to know that, you know, we're constantly reevaluating and changing and making better what we're doing and not just keep doing the same old same old based on et cetera. So I want to fully understand the evaluation methods and, you know, how we're recommending these programs and knowing that they're effective. How do we know they're effective?

**DR. MARMO:**

Well, I think it's important to know that what's an advantage for us is that we're not working by ourselves, that what we're using is the expertise and knowledge of New York State and the Justice Department. So we're constantly not just deciding what we think works and doesn't work, we have tremendous amount of research and information out there that guides practice here. And it's very hard to just come up with an ATI program and put it in place and then try to guess whether it works or not. It's usually the opposite, where for us to get any funding, we have to show a lot of evidence that we know that what we're doing has been proven to be effective.

**LEG. HAHN:**

Do we get funding for -- State or Federal funding for all of our -- each of our programs, or only those ones you listed on that other slide?

**DR. MARMO:**

Those three are under the State's ATI monies, and then Probation gets funding through separate State funding.

**MS. DLHOPOLSKY:**

Probation is funded through the State and gets reimbursement in a block grant of money, and we have to report back to the State on how we use that money.

**LEG. HAHN:**

So the report in front of you is one you're going to distribute to us?

**DR. MARMO:**

Yes, yes.

**LEG. HAHN:**

Okay. And that summarizes the effectiveness of each of our programs?

**DR. MARMO:**

That has -- right. That has everything that we have available on all of the programs, all the research evaluation and reports that have been done is all in here.

**LEG. HAHN:**

Okay. That's it for now.

**LEG. KENNEDY:**

Kate? Kate? Who's next on the list?

**CHAIRPERSON BROWNING:**

Okay. Doc, you're next.

**LEG. SPENCER:**

Hi. Good morning. I have several questions. I noticed with some of the programs you indicated that there was Federal funding. How is Federal funding determined? Is it by an application process?

Is it very competitive? Are we doing -- are we maximizing that funding for our programs currently?

**DR. MARMO:**

The Federal funding is primarily through formula grants through the Justice Department. The most common one that we get is the Edward Byrne Justice Assistance Grant, and that they determine every year a set amount for the County. That would be a non-competitive grant, so we just have to put in an application for spending that, and that we've done each year where all the departments prioritize what their needs are. It's not a lot of money, but we make use of it.

Other Federal monies would be competitive grants, and that we've done primarily either as a collaborative through the CJCC where we've applied for funding. The Day Reporting Center is an example where we got money under the Second Chance Act for offenders with co-occurring disorders, and we got -- that was a competitive grant where we were one of 12 counties in the country, that was in 2010.

The Sheriff's Department, Police Department, DA all have their grants people that would apply for Federal money directly. And then if there are Federal grants that are competitive that require collaborations, which a lot of them do, then that's when we get together and try to put the applications out and send them. So that's been a pretty active, ongoing process.

**LEG. SPENCER:**

In your opinion, are we leaving any money on the table, when it comes to collaboration, as far as any money that's out there that we can apply for? Are we maximizing our collaboration? Are we doing the appropriate grant writing? Are we leaving anything on the table?

**DR. MARMO:**

In my opinion, I think we've been pretty proactive as a County in making applications. We are all looking for competitive grants. It's very hard to gauge with competitive grants what a good success rate is because usually they'll only fund maybe eight or ten out of 200 applications, so we never know what we're competing against. But in terms of applying, we've been pretty active in getting money, and we've worked very well together both between departments and also with community agencies. We've got a number of collaborations that have been successful.

**LEG. SPENCER:**

With the current resurgence in gang activity that we're seeing in the area, does that -- from your -- and with alternatives, does that give us other opportunities to kind of expand our programs and would that activity make us more competitive?

**DR. MARMO:**

One of the things to keep in mind with the Federal monies on gangs is that when they're looking at funding gang initiatives and they're looking at the whole country, Suffolk County, New York doesn't score as high in terms of need as many other jurisdictions. So it becomes difficult for us to make a case. Even though internally we feel that it's a major problem, if they're looking at us compared to Detroit, they're going to say, "*Where's the money better spent Federally,*" so that becomes an issue for us. And it's a good problem to have, that our poverty rates are lower, our crime rates are lower than other parts of the country, but it does put us at a disadvantage sometimes.

**LEG. SPENCER:**

Just shifting gears a little bit. And I accept, you know, if anyone can weigh in. I am -- I've heard that there are times where individuals are incarcerated because they are unable to make bail or to pay a fine. So I guess my question is -- and I've heard that there are people actually in jail that may have a \$200 fine and they can't afford to pay it. For people that can't make bail and nonviolent crimes, and you may have addressed this in your presentation, are there alternatives there? Are we addressing them? Do we have people in Suffolk County that are sitting in jail because they couldn't

pay a \$200 fine and are we targeting those individuals?

**MS. DLHOPOLSKY:**

Well, in the Probation Department, one thing that we target is individuals who could be released into the community but either may be unable to make bail, or more likely the Court does not -- really feels that their need of supervision during the time that they are in the community, the Court does not feel comfortable releasing them without some form of supervision. And the Probation Department does supply that through a supervised release program, which is quite active.

There are other pretrial. If you're talking about things where people don't have bail, there are pretrial programs. The Drug Courts are often pretrial. The Mental Health Court is often pretrial, this is specifically to provide supervision during that time while charges are pending so that the person doesn't have to be put into an incarceration period. So there is certainly stuff -- that kind of thing applied.

I am certain that there are people in the jail for the reason that they couldn't make bail or that they couldn't pay a fine. Where we're able to do so, we have taken steps to, you know, try to route these people into other areas.

**DR. MARMO:**

I was just going to add that the Mental Health Association I've been having some preliminary conversations with, they're looking at the Bronx Freedom Fund which is a fairly new program that's a not-for-profit in the Bronx for those bails under a thousand, where that fund actually provides the bail money to let people out and that's been very successful. They're looking at a pilot program for those with serious mental illness who are nonviolent who have bails under a thousand, and they have a social worker who's working with them and they're trying to work out that. So that may be something that we try to pilot soon in the County.

**LEG. SPENCER:**

That sounds like a great idea. And you may need to get back to me on just my follow-up question. With that in mind, do you have any idea of how prevalent the problem may be? And when you say these programs are existing, would you say that if there were a hundred people that had a fine of a thousand dollars or less, are we getting to ten of them, 50% of them, or are we getting to the vast majority of them?

**MS. DLHOPOLSKY:**

You know, I don't really think that would be something I would feel comfortable answering in terms of numbers.

**LEG. HAHN:**

Can I make a point of information? Can I make a point of information?

**CHAIRPERSON BROWNING:**

Yes.

**LEG. HAHN:**

Just last time the Sheriff was here I asked the question and I think what he said, John, if you remember, I think he said there were 200 individuals in our prison -- in the jail that have -- that couldn't come up with bail of up to \$2,500. So 2,500 and less, there were 200 that that's why they're there, because they couldn't come up with it.

**LEG. SPENCER:**

Right, I remember that, and that's kind of my -- so I was trying to figure out --

**LEG. HAHN:**

*(Inaudible).*

**LEG. SPENCER:**

There are 200 that are there, did we stop another 200 from being there? You know, you're absolutely right, and that's kind of the base of my question. I'm trying to figure out how many people -- and you may not know, but I would love to know the answer. If we've got 200 in jail, did we stop a thousand more or did we only stop ten more? You know, so how effective are we, from your point of view, in terms of having people incarcerated that are mentally ill, nonviolent, or just incapable of paying, you know, 50%, 5%? Which you may not be able to answer, but I'd be curious to have you look at that.

**MS. DLHOPOLSKY:**

I would say there's a distinction between the people that we route into programs for supervision during the time that they're in a pretrial situation, between those who need supervision and those who simply are unable to make bail. The Court, the purpose of determining bail is to provide the most -- the least restrictive means by which the person will return to the next court date.

The Probation Department has a division called ROR, Release and Recognizance, which completes a report on every person as they're brought through the lockup to rate them on their likelihood of returning. The decision is obviously always up to the judge in the arraignment court, but the purpose of providing that information to the Court is to allow the Court to make an intelligent decision on how likely it is that this person will return without having to post a high bail or without putting that person into jail. Frankly, you know, the rates are quite low in terms of how many people are released either without bail or with such low bail that they're able to make it. At the same time, the arraignment courts are looking at people who do require services immediately, that a Court does not want to put them in jail in the meantime, or they don't want to simply release them into the community, and some of those people are being routed into the special programs, Supervised Release, Drug Court, Mental Health Court where they're getting services during that time. So I just want to give the distinction between people who have special needs and are being routed into programs where they can get those services immediately as opposed to people who are simply being -- maybe going to jail for the reason that they can't post bail. But we do -- the Court does try to give the least restrictive means of holding the person so that they will return for the next hearing.

**LEG. SPENCER:**

I think that's wonderful what you're doing, and here's where I'm going with this. And I do remember that number that Legislator Hahn just brought up, that there are 200 individuals right now with very low fines. Do you have -- you may have answered this. How much does it cost us to incarcerate an individual per day?

**DR. MARMO:**

This is not official, but the last figure we were tossing around was roughly \$300 a day, was sort of an average.

**LEG. SPENCER:**

So you could imagine that 200 individuals that we're paying \$300 a day. What I would hope for as a Legislator would be communication between your department and the Sheriff's Department, so whatever we're not picking up on intake, that if there are 200 individuals, you know, that we're spending \$300 a day, that if we can figure out a way to address this issue, it's not only that we're protecting our taxpayers but it's the right thing to do I think ethically, too. So I would love to see if we could facilitate some sort of ongoing communication with our correction system here in the County and we're targeting those individuals and getting them out of jail. Okay? So thank you so much. I'll yield.

**DR. TOULON:**

One thing I did want to say, Legislator Spencer, is the fact that generally, and I don't know the exact numbers because I wasn't here when Sheriff DeMarco spoke -- is that when a judge attaches that \$250 bail, generally it's because there's maybe a warrant or there's another hold on them. So I think I would be very interested in seeing if there was any additional holds on those that were given those type of bails.

**LEG. SPENCER:**

Sure.

**CHAIRPERSON BROWNING:**

Okay. I know Mike's in the back of the room. I don't know if you can comment, Mike, on any of these remarks with regards to the bails, if you have any information you can give us on that. I don't know if you want to maybe grab a seat, because there may be a couple of more questions coming your way.

**CHIEF SHARKEY:**

I did speak to the Sheriff earlier today and he'd like an opportunity perhaps to address the committee next cycle --

**CHAIRPERSON BROWNING:**

Sure.

**CHIEF SHARKEY:**

-- and discuss the jail population and Sheriff's Office perspective on ATI and the correctional staffing. So I think it might be a more appropriate time to do that.

**CHAIRPERSON BROWNING:**

That would be great. We'll make sure we set that up. Thank you. Legislator Gregory?

**LEG. GREGORY:**

Thank you. There's one statistic that really stuck out for me and that's the 72% of the population is -- are unsentenced people? I would like to flesh out that number a little bit more. Are those just felony cases, misdemeanor cases, the majority felony, the majority misdemeanor?

**DR. MARMO:**

I think you have to bring Mike back up for that. That's the jail population.

**LEG. GREGORY:**

Right.

**DR. MARMO:**

So I believe that's everything, that's all charges.

**CHAIRPERSON BROWNING:**

Mike?

**LEG. GREGORY:**

Chief, do you have a general idea how that statistic breaks down?

**CHIEF SHARKEY:**

I don't have data with me today to answer your question, so.

**CHAIRPERSON BROWNING:**

If you want to just restate that?

**CHIEF SHARKEY:**

I'm sorry. If you just wanted to restate that. I don't have any --

**LEG. GREGORY:**

The presentation had said 72% of the jail population is of unsentenced people, and I wanted to know, within that 72%, are 50% of them for misdemeanor cases or, you know, 20% felony or whatever that number is for misdemeanors and felony cases.

**CHIEF SHARKEY:**

I'd be happy to get that information for you, but I don't have that with me today.

**LEG. GREGORY:**

Okay. Because I think that's important. Riverhead is a misdemeanor jail. I mean, we have misdemeanor jails, people that get felonies go Upstate, but we do have people waiting for trial for felonies and are, quote/unquote, you know, jail that is tended to be held for misdemeanors.

**CHIEF SHARKEY:**

Legislator Gregory?

**LEG. GREGORY:**

Yes, sir.

**CHIEF SHARKEY:**

Can I comment on that? I wouldn't characterize our jail as a misdemeanor jail. Our sentenced prisoners, which are the smaller portion of our prisoners, on County charges are -- the majority would be misdemeanors.

**LEG. GREGORY:**

Right.

**CHIEF SHARKEY:**

However, the majority of our prisoners are presentenced, and many of them, you know, have felony charges. So I wouldn't characterize it like that.

**LEG. GREGORY:**

Right. What I meant by that is if someone -- if someone is sentenced to a misdemeanor they would serve their time in Riverhead, but if they're sentenced as a felony, a year or more, they go Upstate or wherever; right?

**CHIEF SHARKEY:**

If they're sentenced to more than a year's stay they go Upstate, yes.

**LEG. GREGORY:**

Right, sentenced; but waiting trial, we house them.

**CHIEF SHARKEY:**

Yes.

**LEG. GREGORY:**

Right, that's what I meant. Okay.

I think your presentation was good. We've kind of been conversing about ATIs in the context of expanding the jail and discussions with the COC. You've talked about the effective programs, but I think one thing that wasn't discussed, and I'm not sure if it was asked of you to discuss, is are there -- is there anywhere we're lacking? Because if you took your presentation in a vacuum you'd think, okay, we're doing pretty well. We have all these effective programs, you know, there is a need to expand the jail, so we can't really effectuate different ATI programs to reduce the numbers that we have. So I'd be interested to hear from you, are there any things that we can be doing that we're not doing to help reduce the number of prisoners that we have? Because that's -- that's the discussion of the day, how can we reduce the numbers so we don't have to spend \$100 million to expand our jails, and ATIs are the way to do it.

**DR. TOULON:**

That's a good question. But one of the things I think we need to do is first look at stopping -- what are we doing in the communities to stop the young men and women from being incarcerated. And if we can effectively assist them with the resources that they need, they won't be incarcerated, they won't be committing crimes, they won't be making poor choices and, you know, hopefully our Census would go down.

You know, to try and put that question, you know, in the totality of the entire criminal justice system is extremely difficult because it -- you know, each year we're getting a new generation of young men and women that are committing crimes, and so we need to stop them from committing crimes and hopefully that would assist us in reducing our Census in our jails.

**LEG. GREGORY:**

Right. And there were a lot of numbers, a lot of discussion, I think most of the discussion was on the decrease in felony crimes, maybe I missed it, but I would like to see our numbers on misdemeanor crimes, because potentially that should be what the majority of our population is.

**DR. MARMO:**

Well, in the slide we had the one from 1980 to 2011 was all index crimes, but overall --

**LEG. GREGORY:**

Was it 60%.

**DR. MARMO:**

That was the -- it's gone down 60%.

**LEG. GREGORY:**

I thought the index crimes were the major crimes, felony crimes.

**DR. MARMO:**

Right, those are the major crimes. We do -- the Police do keep the statistics on misdemeanor and felony and that's easy to look at. Overall we've seen that reduction, so there's still crime, of course, and there's still people in the jail. So your question in terms of what could we be doing. The only one that would be new is the one I mentioned like the Bronx Freedom Fund, that would be like a new model that we could implement that might relieve some of the numbers, so that would be one example that we could look at.

As far as the other programs, it would be looking at the people that are in the jail and which programs they best fit in and making sure that everybody gets into the programs that are there. I don't think we have to worry about the problem of ineffective programs, I think there's so many checks and balances that it's very -- like I said, it's very difficult to have an ATI program that's ineffective and operating for so long, so.

**LEG. GREGORY:**

Right. And I think that's important, but this problem -- you know, the whole system, the criminal justice system is so complex, so -- I mean, you can -- you know, you could try to correct it, you know, address it at so many levels, beginning at the home. There's so many steps along the route to jail that we can address and there's only so much that we can do. You know, in my opinion, basically a lot of it starts from the home; you know, there's dysfunctional families and drug abuse and all that stuff. But, you know, the end point is these people are in jail and some of them shouldn't be in jail, or maybe we came up with programs where people with, you know, \$500 bails for minor, nonviolent infractions, why are we jailing them when the cost of that's going to exceed their bail in two days. I mean, it's kind of ridiculous.

You know, the felony number I was interested in because if our jail is intended to house -- for the most part, I mean, not mentioning those that are waiting trial -- misdemeanors and we're addressing that felonies are down but misdemeanors are up, that may be a reason why our jails are at the Census that they're at. So we have to -- you know, we have to address that, and I missed that number if you presented it; if not --

**DR. MARMO:**

I didn't -- I didn't give you a misdemeanor number, but that's available. I'm not sure that that's up, because the jail population has been pretty steady for the past two years, so we haven't seen an increase in that number. In 2007 --

**LEG. GREGORY:**

So you would have to say that the misdemeanors have to be up. If felonies are going down, our Census is staying the same, the misdemeanors have to go up. You can't have, you know, the same, you know, felonies going down and misdemeanors going down but your population remain the same; that's just impossible.

**DR. MARMO:**

Well, the jail population has gone down, I think that's been reported by the Sheriff over the past number of years, consistent with the lower crime rates. So I believe that the jail population had been 17, 1800, it has gone down a little bit to an average of 15.

**LEG. GREGORY:**

Oh, Okay. I missed it, because I thought you said it's been steady around 1500.

**DR. MARMO:**

Well, that was just for 2011 and '12.

**LEG. GREGORY:**

Okay.

**DR. MARMO:**

And then the other slide was up to 2011, and I believe the jail population was higher. When we did the jail study in 2007, it was over 1,800, so.

**LEG. GREGORY:**

Okay. But, you know, I agree with you, Dr. Toulon, that, you know, we have to try to do more programs out in the community to address those issues as they arise in the communities. But again, there's so much -- only so much that we can do with the limited resources that we have. So on our end, I think it would be good for us to kind of come up with programs, and a lot of it our hands are tied. You know, if the judges want to incarcerate someone for \$500, there's only so much we can do.

So I think there's communications on all those -- the stakeholders in this process that has to be had to kind of, you know, come up with a solution. And I trust that we can do it, but we just have to put more effort in doing it. Given, you know, the COC coming in and really, you know, demanding that we make due on our promise, expand the jail. If we can show that we can -- that that's not necessary, I think, you know, maybe we can hold that off a little bit, I don't know. But I think we need to have those lines of communication. Okay. Thank you.

**CHAIRPERSON BROWNING:**

Legislator Kennedy.

**LEG. KENNEDY:**

Thank you, and thank you for being here. I've been tapping away but I've been listening to the dialogue. There is one frame, Doctor, that you had that listed the inventory of ATI programs here in Suffolk County and it contained a number of different programs that had substance abuse themes to them. And, you know, as I try to do sometimes, I come from the kiss perspective; drugs are drugs are drugs. Why do we have these various different programs in the different increments? What's the outcome and, you know, would it make any more sense to combine them? What's the rationale?

**MS. DLHOPOLSKY:**

Perhaps since some of these are Probation-based, maybe I should --

**LEG. KENNEDY:**

Sure.

**MS. DLHOPOLSKY:**

-- speak about that.

**LEG. KENNEDY:**

I'd welcome it.

**MS. DLHOPOLSKY:**

We have different programs based on different identified needs. For instance, the intensive supervision narcotics is primarily for narcotics users. We do find a difference between the people who are narcotic abusers and the people, for instance, who are alcohol or substance abusers, and that is, for instance, the Probation addictions treatment is primarily an alcohol program. Not saying that there isn't some crossover there, but that is one of the reasons we have a distinction between the two. We encounter different kinds of programs -- different kinds of problems, rather, and there are certain -- different sets of behaviors that come along with the two and they are best identified by -- or best dealt with by separating them in terms of treatment.

**LEG. KENNEDY:**

So your experience is that a heroin addict and an alcoholic engage in different types of behaviors?

**MS. DLHOPOLSKY:**

In terms of --

**LEG. KENNEDY:**

Aberrant is aberrant.

**MS. DLHOPOLSKY:**

True, but in terms of the kinds of crimes that they become involved in and the different activities, yes, there is a difference between the two and some of the ways that we target that. In addition to the fact that along with the -- you know, with the alcohol, you're dealing with having to do the

ignition interlock which needs to be monitored, which does not necessarily apply in terms of the narcotics because they didn't have a conviction that was related to driving and because the ignition interlock specifically relates to alcohol.

**LEG. KENNEDY:**

Stay with that for a second. So if you're charged with and convicted under a DWI, then the interlock is mandatory?

**MS. DLHOPOLSKY:**

Yes.

**LEG. KENNEDY:**

But if you're a DUI, you don't have any interlock requirement?

**MS. DLHOPOLSKY:**

Well, the interlock -- no, that's right, it's for driving while intoxicated with alcohol. And of course the reason is that the monitoring device for the ignition interlock can only pick up on the alcohol use, they blow into -- you know, into a unit and --

**LEG. KENNEDY:**

But if you have an active narcotics user or something like that, in other words there's no way for it to be mechanically registered, it's only through blood draw or something?

**MS. DLHOPOLSKY:**

That's correct. There are some who have crossover issues, and sometimes if someone has a conviction on a charge that's not driving related, the Probation Department will recommend ignition interlock and the Court may order that, but it's only mandatory on the DWI convictions.

**LEG. KENNEDY:**

Okay. So -- all right. So I'm there with you, then, that we have a different type of requirement when we're dealing with, you know, alcohol only, or if we're in the area of narcotics. What if we get somebody that's a meth freak or something like that; they come into a different type of program?

**MS. DLHOPOLSKY:**

No, they would go into -- you know, it always depends on the severity of the problem. We put people into general supervision or we put them into a specialized program if they have a severe problem. Someone who had a serious drug problem would go into the Intensive Supervision Narcotics Unit to be distinguished -- and I also want to say again, some of the issues and some of the programs that we have are related to people who are dual problems, they have both mental health issues --

**LEG. KENNEDY:**

Sure.

**MS. DLHOPOLSKY:**

-- and that is another area entirely.

**LEG. KENNEDY:**

No doubt about it. My point is, is that sometimes in an effort to address different types of behaviors, we -- and I say that collectively, we meaning government -- create very specific types of programs and treatment tailored to a specific set of criteria. But when you come back and you look at it at the 10,000 or 15,000 foot level, collectively we've got a group of individuals and the common thread is that they've engaged in criminal activity and that they're substance abuse addicted. And you are the experts, I am not. If you're saying that in a snapshot or review of your schematic here,

there's really a justification for each one of these distinct slots for the treatment delivery that I guess they say, "*So be it.*" I come from, you know, more of the layman perspective and say, folks, every one of us knows, you know, we're wrapping change to make payroll. Is there any kind of synergy that you'd get if you were to combine some of the treatment efforts?

**MS. DLHOPOLSKY:**

Basically I think -- you know, we try to take a wholistic view, so we do realize that there are certain things in common. In terms of which we route them into, for alcohol or drugs, we base it on the primary presenting issues. However, when you think about it, the point is we're trying to give people with the most serious problems the most attention, which has been proved certainly through research to be the way to go about it; don't give everybody the same degree of attention. Whether they are supervised by our Intensive Supervision Narcotics Unit or supervised through our unit that deals more with alcohol problems, they are still getting the focused attention based on what somebody who is a substance abuser needs. And they're all -- all the problems that you see there, they're different for each person that comes through our program.

**LEG. KENNEDY:**

No doubt.

**MS. DLHOPOLSKY:**

They're commonality, but they're different for each of them. The point basically is to get people who have expertise in these areas to deal with those issues, and that is basically what we have done here.

And again, I think as Dr. Marmo stated, all of these were based on models that have been tested over the course of time. You know, it isn't like we came up with these in Suffolk County and said, "*Oh, you know what? This sounds like a good idea.*" So we have found a fairly good success rate with this. Our Probation Addictions Treatment, which is primarily the alcohol program, has been around for many years, I think we started that in the 1980's with a very high success rate in dealing with the repetitive alcohol offender, and that has been very successful for us.

The Narcotics Unit, that is newer, that has been over the past maybe, I would say eight or ten years. And there the issue sometimes, it's frequently dealing with, you know, the drug du jour, that has changed quite a bit over the course of time and we've dealt with the change in the problems that we see based on the drugs that have come through.

**LEG. KENNEDY:**

Last question and I'll yield. Does your Narcotics Unit interact with any of our methadone centers? Is there an overlap there.

**MS. DLHOPOLSKY:**

We certainly have people who are in the methadone centers and when we do, they're in constant contact.

**LEG. KENNEDY:**

Okay. It's my understanding that the Health Department is selling our methadone centers to Lexington, to some outfit from Upstate. We're offloading all kinds of health. Have you talked to them at all or is there any kind of dialogue here.

**MS. DLHOPOLSKY:**

I think it would be fair to say that the dialogue is on the basis of case issues, not in terms of Probation discussing with them their plan of who is going to operate the clinics.

**DR. MARMO:**

In terms of ATI --

**LEG. KENNEDY:**

You've got to help me out with that one. I'm trying to follow. So you folks from Probation have had a chance to talk about this succession, or no?

**MS. DLHOPOLSKY:**

No, we don't discuss that with the Health Department, that's not a decision that we would be involved in. I'm saying our Probation Officers deal with the methadone clinics in terms of talking about the needs of the clients --

**LEG. KENNEDY:**

That I guess I understand.

**MS. DLHOPOLSKY:**

-- on a case-by-case basis.

**LEG. KENNEDY:**

But when we're contemplating a major change in the way we deliver health care and you have the overlap, the commonality of a probationer, who coincidentally also is a methadone recipient, I would think that that interaction there is kind of critical.

**MS. DLHOPOLSKY:**

It is. It's critical that the services be provided. I would not -- I would think, though, that it would be more on a planning level where it would be discussed as to who should provide the services. From Probation's point of view, it's necessary that the services be provided. No, I would say we're not consulted about who should be the person operating the clinic.

**LEG. KENNEDY:**

Yeah, I'm not surprised.

**MS. DLHOPOLSKY:**

We just can tell you that we have to have the services.

**LEG. KENNEDY:**

Okay. Okay, thanks. I'll yield.

**DR. MARMO:**

Just to add that the Health Department is on the CJCC, so they're -- so any discussions that have to do with the system, they're their Community Mental Hygiene.

**LEG. KENNEDY:**

Okay, great. Thank you.

**CHAIRPERSON BROWNING:**

Okay. I'm going to ask you -- I think, Patrice, you kind of answered some of my questions, because I was curious how long some of the ATI programs have been in existence. You know, give me an example of a program that's more recent versus one that's been in existence for a long time. But it was more about, you know, how often do you -- say you have a program that's existed for 30 years; how often do you reassess that program to make sure that it's still working?

**MS. DLHOPOLSKY:**

We basically reassess on a continual basis, and we also have to retool. You know, there have been

changes to programs over the course of time. We don't keep doing the same thing. We sometimes make changes in the treatment that is offered or the agencies that we're partnered with in terms of where we may send people. Obviously that change is by virtue of what's available in the community also. Some programs have expanded over the course of time. For instance, I will cite the Mental Health Unit. We have put a lot more resources into the Mental Health Unit because what we've been finding is that so many of the people who are coming through the criminal justice system are there as a result of mental health problems that we have put additional resources in that area. So we're constantly reevaluating and trying to make a determination. Obviously something like electronic surveillance, the GPS Program started in 2004, 2005, that's newer than some of the others, and that technology, you know, changes constantly and we make appropriate changes. Some of them are longer term; we've had the Batterers and Partners Abuse over the course of many years now.

So we actually have -- we make a lot of changes within the program based on what we -- what our -- statistical analysis and research, because we're getting some of that from evaluations of programs that are conducted across the country, so we try to do that on a constant basis.

And we're also, we come under the jurisdiction of the Office of Probation and Correctional Alternatives. They have best practices. They determine through their research what it is that we should be putting in place and we comply with our regulations that come from them and recommendations that come from them to make sure that we're doing something that actually meets the need. If we find we're doing something that didn't make a difference, then we're not going to do that anymore, we'll handle it differently.

**CHAIRPERSON BROWNING:**

And -- okay. Who does the assessments of the programs when they are being assessed? Because it's -- you have a program that's in existence and, you know, do you have someone from the outside, do you have someone inside that's assessing these programs? You know, again, when you talk about effective programs and when you're trying to get funding for a program, you know, I could do an assessment of a program that I'm doing or that I've created. You know, I don't want that program to go away, so I can do that assessment and justify that it should still exist. So, you know, do we have some kind of checks and balances on the assessments?

**MS. DLHOPOLSKY:**

There are assessments done at various levels. There are some that are done by the national -- you know, no Federal government that look at best practices and best programs, and I think Dr. Marmo cited some of those when he was talking. There are some that are done by the State, and then there are statistics that are provided to us by the State on -- that show recidivism rates going out. And obviously one of the best criteria, probably the most important thing we want to look at is what the recidivism rate is for a particular population. So if the recidivism rates are going down, then we have to conclude that we seem to be doing something correctly. If the recidivism rates are going up, then we have to assess whether what we're doing is effective. We have put a good deal of effort into making sure that we're doing things that provide recidivism rates that go downward. And again, while providing the intensive services for the people who need them and not using them on people who don't need them because that's simply not cost effective at all.

**CHAIRPERSON BROWNING:**

We can go back to the Bellport meeting last night that I went to and the ages of these children, and they're children.

**MS. DLHOPOLSKY:**

Yes.

**CHAIRPERSON BROWNING:**

And it's frightening to think that this is an age group that's getting involved already in committing

crimes, nine year-olds. When you do these assessments of the ATI programs, I mean, is this as a general population or do you kind of divide things up for juveniles versus, you know, adult?

**MS. DLHOPOLSKY:**

Actually, the ATI programs that are cited here is all in reference to the Criminal Court. We're not talking about the Family Court here. We do have, you know, obviously Family Court supervision and we have various Family Court programs, but what we were talking about here was the Criminal Court Programs.

In terms of Family Court, we put -- there are -- there is one program that is specifically directed at trying to keep people -- keep youngsters out of juvenile facilities and that's the Juvenile Day Reporting Center that we run in Yaphank. Other programs are aimed at bringing services to the home and to the family at the earliest possible point at which a problem has been identified. We have diversion services, we provide organizations that actually go into the home and work with the family when it's been identified either by the community or by the parent that there is a problem there. We also, as I know you're aware of, we have an officer who works with providing instruction and does presentations to schools on gangs and tries to work with them before they get to that point.

You know, it is troubling. And part of the problem is that some of those -- I know we were talking about nine year-olds. They haven't actually committed anything necessarily that would be a crime. The problem is that you're looking at some of them who are well on their way to doing it. They're -- you know, they're hovering.

**CHAIRPERSON BROWNING:**

Right.

**MS. DLHOPOLSKY:**

They're there, and that's very young and that, of course, is an issue. And what we're trying to do is get them the services as fast as we can. We don't really want to wait until one of them commits a crime. However, we're also not able to make people accept services if they're not -- if they haven't done anything requiring them to get the services, if you know what I'm saying. It has to be something they're looking for.

**CHAIRPERSON BROWNING:**

Right. But again, the individual that we have, and she's gathering pretty strong evidence --

**MS. DLHOPOLSKY:**

Yes.

**CHAIRPERSON BROWNING:**

-- that these nine year-olds are heading in that direction and it's just to make sure that -- I don't want to be -- I don't want to see us reacting to something that they've done and to try and be more proactive. I'm starting to sound like Jack (*laughter*).

**LEG. CALARCO:**

It's the social worker in you.

**CHAIRPERSON BROWNING:**

I'm not a social worker (*laughter*). But just that we're being more proactive. We know these children are heading in that direction, and is there -- you know, are we doing enough intervention with these kids before they get to that point? That's my concern. And again, when you're talking about, you know, the family intervention and visiting the families. Is it possible that maybe sometimes they shouldn't be with that family? Maybe that's where some of the problem is, too.

**MS. DLHOPOLSKY:**

Well, of course that's true. But of course also, there's no authority to remove them from there unless they've done something that, you know, would allow either the Department of Social Services, based on a neglect situation, or the courts, based on criminal activity, to remove them. Certainly, the Department of Social Services gets involved in many of these cases. If there was educational neglect, well, the court may be involved also, or if there is a sign of abuse or if there is a sign of neglect in terms of not providing supervision, that the children are not tended to. It's difficult -- you know, I'm not going to -- it's really about community outreach, and it's really about trying to get into communities. And I think Dr. Toulon was stating that, you know, that's really some of it. And it's an area -- when you see them at nine getting involved in this kind of activity, then what you have to say to yourself is, *"Okay, we have to think about what we're going to do here,"* and that's something that we're going to have to think about as a wide community. You know, we can point out the problems, we can see them coming, but we're going to have to examine that whole area and see what else we can do, because I'm sure it isn't just Bellport.

**CHAIRPERSON BROWNING:**

No. No, it's not. And I spoke with a young girl, and she actually gave me the name of someone who beat her up. She's only, I think, 14 or 15, and the person who severely beat her was about 14 or 15. I know the Police are looking for her. But again, maybe our Police Department can step in. What happens -- I mean, what happens with an incident like that? Because now the child is pressing charges against a child, and what is done with that child who's now behaving like this? What kind of charges can they face when they're doing this? You know, it's -- the child had a concussion, so it's not harassment, that was a serious assault.

**MS. DLHOPOLSKY:**

Right, and they would be charged with assault. But because they're under that age, it would be treated in Family Court as a juvenile delinquency, unless it's such a serious offense. I mean, obviously if you have a 14 or a 15-year old who does something, you know, if there was a murder or something, that can be brought into the Criminal Court System. But for the most part, it is handled through the Family Court, and the Family Court has any number of options open to it that go from things like putting them on probation to placement outside of the home, in a State facility or in a private facility dependent on the circumstances. So what would happen in the case you're talking about, if that person gets arrested, they are going to wind up in front of a Family Court Judge and that judge will be making a decision of what to do.

**CHAIRPERSON BROWNING:**

Okay. And you just talked about the State facility, but aren't we losing those? They're closing and we're going to wind up bringing them back home?

**MS. DLHOPOLSKY:**

Well, there's the close-to-home initiative. That is -- did not actually go through this year. It was proposed, but it didn't come through. It is likely to, I think we all think it will happen in the near future. There will always be some State facilities, there will have to be, because for the truly violent child they will exist because the secure facilities will exist. The idea I think that the State is trying to promulgate is that it is better to keep the juveniles in a place relatively near to their community, presumably because they can have interaction with their family because it will make it easier when they readjust coming out, because obviously they don't stay in there forever, especially with juveniles; they can't, by law, stay in there for a lengthy period of time, and so that is going to happen.

Right now there are not that many Suffolk County youth who go to Upstate facilities. There are some and some of them, if the close-to-home initiative goes through, will be brought back to Suffolk County, but there are facilities in Suffolk County that they will go to, a lot of them being private facilities, but it's a court-ordered placement.

**CHAIRPERSON BROWNING:**

Okay. But the close-to-home doesn't necessarily mean that they're going to go to a facility, some of them may just stay home, no?

**MS. DLHOPOLSKY:**

Well, not if the judge orders placement, no.

**CHAIRPERSON BROWNING:**

Okay.

**MS. DLHOPOLSKY:**

If the judge orders placement, they will go to a facility. The question is how secure and where it would be located.

**CHAIRPERSON BROWNING:**

Will that increase the caseload and work for Probation? Because now you're going to be --

**MS. DLHOPOLSKY:**

Well, the question -- probably there is some degree of question as to who will provide some amount of supervision and oversight for their children in the facilities. Whether it's Probation, no matter what, it would be the County that has to do that. But even now, the Probation Department has some responsibility for children who are placed in any kind of institution, there's some monitoring of the cases. Dependent on what kind of placement it is, they're either monitored through Probation or through the Department of Social Services. There's a requirement that we monitor the facilities in terms of the County as a whole, that we check on the quality of care, make sure that the children are safe, that they're in a facility where they're not endangered and all of that will continue to occur.

The number of children who are being placed will not go up as a result of the close-to-home initiative. It's just a question probably of, you know, where the facility may be located, what the percentage will be who will be in an Upstate placement as opposed to a local placement.

**CHAIRPERSON BROWNING:**

Okay. Thank you. I believe, Legislator Hahn, you have more questions.

**LEG. HAHN:**

Yes, sorry. Quick, one quick thing, and then I have a couple of other questions. The recidivism -- when you talk about recidivism rates for the programs, over how long are you talking about?

**DR. MARMO:**

There was the one slide where they did it for one-year, two-year and three-year. So they'll do it usually one-year, two-year, three-year; it depends on what the State is looking at, but primarily those are from the State rates.

**LEG. HAHN:**

And then I think my next question -- I don't see Chief Sharkey here, but maybe, Errol, you'll know this, it's sort of a basic question. Isn't it true that most of the inmates in our jail have been there before?

**DR. TOULON:**

I have not heard that, nor would I -- I don't have any statistics for Suffolk County as far as re-offending and those returning back.

**LEG. HAHN:**

Okay. You know, I know when I hear Risco Mention-Lewis talk, she talks about, you know, 10% of

the criminals committing 80% of the crime, or whatever her statistic is; I'm not sure if I'm repeating that accurately. But the point being we have a real opportunity with the individuals who are there when they're there, and I think our focus should at least be equal to treating and/or rehabilitating the ones who we have, who are sentenced with us, who are staying with us. I've heard -- I've been told that we need a real, quote/unquote, real jail rehab; I think that's very important, that we look at what we are doing when they're there.

And I'm very excited about what the Sheriff has been doing with the youth offenders, and I know -- I'm looking forward to talking to him more about that. And so I would like to -- maybe next time when you come in, hopefully we'll know -- know those answers as to what percentage of them have been there before. Thank you.

**CHAIRPERSON BROWNING:**

Okay. Legislator Muratore.

**LEG. MURATORE:**

Thank you, Madam Chair. You know, I think we have to listen to Dr. Toulon and what he said and what Legislator Gregory said about, you know, it really starts in the home. We need to educate our children. I mean, there are so many programs out there, from top to bottom, all our, you know, line organizations, the Police Department, Probation. If we educate them -- just like with the seat belt; you get in the car now and you've got a three-year old or a four-year old, he's telling you, "*Put your seatbelt on.*" Now they're talking about not smoking. It's all coming from constant reinforcement of educating our youth.

It's kind of like a plant. You know, we just trim the leaves and this root gets stronger; we've got to kill the root. And that's the way, we kill the root with education. So if we can -- you know, I know in my office we try and do a lot, getting the information out to the young people about gang situations, about selling and using drugs and stuff like that. So this is where we have to move. Utilize the assets that we have which cost us nothing. I mean, the Police Department has programs, Probation has programs, there's the Girl Scouts, there's the civics, the chambers. I mean, there's so many out there, the libraries. So let's, as Legislators, let's get the information out there and we'll do -- you know, like Legislator Gregory said, maybe we'll get rid of these dysfunctional families and start putting young people out there who want to get ed (sic), who don't want to be part of gangs.

Are we going to have children beat up? You know, unfortunately it happens. The fortunate part is it's not a lot in Suffolk County, as they said, not like in other areas of the country, so we are making strides there. You know, the children know to come forward and report about the gangs, report when they get beat up. So that's the important thing. So let's listen to Dr. Toulon and Legislator Gregory and let's get this message out there and try and get our children educated and through Suffolk County safely and live a long life here.

**CHAIRPERSON BROWNING:**

You're right, but I have to say, when I was at the meeting last night, this was kids who were -- and I said, you know, they're being the adults in the situation. I did a ride-along in Bellport and when I'm seeing parents hanging out on the street with little ones at midnight, one o'clock in the morning, you know, we have parents who don't know how to be parents. So, you know, that's the population that I'm very concerned about. Because, yeah, you'll have some good parents and their kids go astray, they have a better chance. But when you have children who are going astray who are living in a home where the parents are just as bad, you know, that's a serious problem. And that's why I'm asking about, well, when you're talking about doing home supervision, those are the families that I'm concerned about, should they be in that family still, you know? Sorry, we're going off here. Legislator Gregory.

**LEG. GREGORY:**

Thank you. A little off topic, but I think you guys may know the information. There was a study -- actually, there was an article about a study that was released recently by the New York Civil Liberties Union and it was about disparity and arrest and generally targeting misdemeanor marijuana possessions. I don't -- I personally don't agree with the premise of the study which basically says that -- supports legalizing marijuana, or small amounts of marijuana. But the problem that I do have is the disparity between African-Americans and Caucasians that are caught with the same level of marijuana being arrested at disparate rates. Now, is that possibly a cause as well as to why we're, just in general -- putting race aside -- with these low level type of crimes that our prisons are having the numbers that they're having as well? I think we need to look at why people are being incarcerated, for what crimes they're being incarcerated. Obviously you don't want to put violent offenders on the street, but there seems to be this push in New York State, particularly by the Governor, that he wants to legalize -- and I don't agree with it -- small amounts of -- possession of marijuana. Is that an issue here in Suffolk County? Do we have a lot of these people in our jails? I know that there was Rockefeller Drug law changes that impacted a few years ago; is that still an issue, or was that more of a Probation issue?

**DR. TOULON:**

What I can do, because we're in the process of getting data from the Sheriff's Office regarding ethnicity, crimes, gender, trying to get an entire picture of those that are populated in our correctional institutions, and we have not gotten that information; it was only requested last week, to be honest with you. But as soon as I get the information and I can have a breakdown of some of the questions that you just asked, I can definitely provide that to you.

**LEG. GREGORY:**

Okay. All right. Thank you. That was all.

**DR. TOULON:**

And if I might add to Legislator -- Madam Chairwoman's comment earlier about the young lady in Bellport. You know, unfortunately we don't have jurisdiction over the schools. And as much as we may try to partner with the schools to find out what issues they're facing that we could possibly assist them, even if it's just as Legislator Muratore said, as educational, whether we come into the schools and we try to talk. You know, that young lady was very courageous because usually they have a mentality of don't snitch, and she decided that she was going to tell and she wants to prosecute the person that had assaulted her. And that I thought was a big step when you were telling the story, because generally at that age they do not tell about anybody, any assaults or anything that's going on within their age group. But, you know, if you can assist us in partnering with various school districts, with superintendents or principals, you know, I would be happy to speak to them, meet with them and see what we can do to possibly assist them.

**CHAIRPERSON BROWNING:**

Well, you kind of went on to something there that makes me jump. We have a great Probation Officer who's been very involved in the South Country School District. I think this incident actually didn't necessarily -- it didn't happen in school. And evidently, the name of this gang that these kids belong to, it's called the Natural Born Killers, and they're 14 and 15. I have three names, 14 and 15 years old, and that's pretty frightening.

There was a gentleman in the Longwood School District who had approached this Administration last year, in the early part of last year, to partner up and share what they do in the Longwood School District. And I hate to say to no avail has there been any cooperation or communication. They're continuing to do what they're doing and I know, DuWayne, you were actually at the school in Longwood.

**LEG. GREGORY:**

Yeah.

**CHAIRPERSON BROWNING:**

And they had been sharing with your school district. But, you know, this is, you know, school board members, community activists, and it's a program they have in their school district, they wanted to share and spread throughout the County, but that's a conversation we'll have after this. But is there more questions? One more, Kara?

**LEG. HAHN:**

It's incredibly frustrating, the budget that we're facing, because there was a time, I believe, where we had more Probation Officers in schools. We had more School Resource Officers in the schools. And these are things that as we cut back, we begin to see the ramifications of that. And I really think we need to get back to a place where we're there and with, you know, with all that the Probation Officers bring to the table with their backgrounds, you know, it's just I think we need to get back to that place where they're there, both the probationers -- Probation Officers and the School Resource Officers. So that's my two cents.

**CHAIRPERSON BROWNING:**

Okay. Thank you. So with that, I appreciate you coming and giving your presentation. And we'll be looking forward to -- I'm hoping the next committee meeting we'll have the Sheriff here to talk about the ATIs. So maybe you might want to reach out to the Sheriff and see if there's a need for you to come back and join him.

**DR. TOULON:**

Thank you.

**DR. MARMO:**

Thank you.

*(\*The following was taken by Alison Mahoney, Court Stenographer, and transcribed by Kim Castiglione, Legislative Secretary\*)*

**CHAIRPERSON BROWNING:**

Okay. We will start the agenda.

**Tabled Resolutions**

**1197-13 - Adopting Local Law No. -2013, A Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues (Schneiderman).** I'll make a motion to table.

**LEG. KENNEDY:**

Second.

**CHAIRPERSON BROWNING:**

Second, Legislator Kennedy. All in favor? Opposed? Abstentions? It's tabled. Oh, two opposition?

**LEG. SPENCER:**

Opposed.

**LEG. GREGORY:**

Opposed.

**CHAIRPERSON BROWNING:**

Two opposed, okay. I have my intern Maria here so please be kind.

*(\*Laughter\*)*

And don't confuse her too much.

Okay, that was 1197, so there was two oppositions. However, it is tabled. **(VOTE: 5-2-0-0 Opposed: Legislators Gregory and Spencer).**

**1381-13 - Adopting Local Law No. -2013, A Local Law to strengthen the "Prepared To Protect Our Most Vulnerable Citizens Act" (Stern).** Did they close the public hearing on that? Okay. So I guess I'll make a motion to approve.

**LEG. MURATORE:**

Second.

**CHAIRPERSON BROWNING:**

Second, Legislator Muratore. All in favor? Opposed? Abstentions? It's approved **(VOTE: 7-0-0-0).**

**1445-13 - Approving the reappointment of John Bancroft as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (Co. Exec).** I'll make a motion to approve.

**LEG. MURATORE:**

Second.

**CHAIRPERSON BROWNING:**

Second, Legislator Calarco, did I hear?

**LEG. CALARCO:**

Yep.

**CHAIRPERSON BROWNING:**

All in favor? Opposed? Abstentions? It's approved **(VOTE: 7-0-0-0).**

**1446-13 - Approving the reappointment of John Carney as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (Co. Exec).**

**LEG. SPENCER:**

Motion.

**CHAIRPERSON BROWNING:**

Motion, Legislator Spencer. Second?

**LEG. CALARCO:**

Second.

**LEG. MURATORE:**

Second.

**CHAIRPERSON BROWNING:**

Second, Legislator Calarco. All in favor? Opposed? Abstentions? It's approved **(VOTE: 7-0-0-0).**

**1447-13 - Approving the reappointment of Anthony LaFerrera as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (Co. Exec.).** I don't know about this one.

(\*Laughter\*)

No, I'm joking. There was a motion by Legislator Gregory.

**LEG. SPENCER:**

Second.

**CHAIRPERSON BROWNING:**

Second, Legislator Spencer. All in favor? Opposed? Abstentions? It's approved (**VOTE: 7-0-0-0**). And he's not here today of all days. He's usually always here.

**1448-13 - Approving the reappointment of Nicholas Luparella III as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (Co. Exec).** I'll make a motion to approve. Second, Legislator Muratore. All in favor? Opposed? Abstentions? It's approved (**VOTE: 7-0-0-0**).

**1449-13 - Approving the reappointment of Norman Reilly, Jr., as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (Co. Exec.).** Same motion, same second, same vote?

**LEG. CALARCO:**

All right.

**CHAIRPERSON BROWNING:**

Okay. Approved (**VOTE: 7-0-0-0**).

**1450-13 - Approving the reappointment of Drew Silverman as a member of the Suffolk County Fire, Rescue and Emergency Services Commission (Co. Exec.).** Same motion, same second, same vote. Approved (**VOTE: 7-0-0-0**).

1451 -- okay, we did the discharge without recommendation. **1452-13 - Approving the reappointment of Edward Tully, Jr. As a member of the Suffolk County Fire, Rescue and Emergency Services Commission (Co. Exec).**

**LEG. CALARCO:**

Motion.

**CHAIRPERSON BROWNING:**

Motion to approve, Legislator Calarco. I'll second it. All in favor? Opposed? Abstentions? Mr. Vaughn, did you have a question?

**MR. VAUGHN:**

Yes, Madam Chairwoman. Thank you. Resolution 1448, I'm sorry I stepped out of the room for a moment, but we needed to have that one tabled to make an additional correction to it. I apologize.

**CHAIRPERSON BROWNING:**

Why don't we just do a discharge without recommendation?

**MR. VAUGHN:**

That's fine.

**CHAIRPERSON BROWNING:**

We can leave it the way it is? Okay. No, we'll leave it the way it is and you can make your changes.

Okay, so where were we. 1452 I think we had a motion and a second.

All in favor? Opposed? Abstentions? It's approved. **(VOTE: 7-0-0-0)**.

**1475-13 - Appropriating funds in connection with Fire Rescue CAD System Phase III Frequency Upgrades (CP 3416) (Co. Exec.)**. I'll make a motion to approve. Second, Legislator Calarco. All in favor? Opposed? Abstentions?

**LEG. GREGORY:**

I had some questions.

**CHAIRPERSON BROWNING:**

Oh, questions. Okay, I guess we have questions. This is the one with the grant money, right? I believe this is on a grant. Okay. Legislator Gregory has questions.

**LEG. GREGORY:**

Just an explanation of what it is, and it's a lot of money. I know it's in the Capital Program, but just kind of further explain the need, if you could.

**MR. MINIUTTI:**

I just want to be clear that we're speaking on the Capital Budget proposal, the 1.9 for the Capital? Is that correct?

**LEG. GREGORY:**

Correct.

**MR. MINIUTTI:**

The system currently does not -- Greg Miniutti, Suffolk County Fire Rescue Communications. The system currently that we utilize is a low band VHF radio system. I don't want to bore you with a lot of details. It's outdated. Our fire and rescue EMS customers, the agencies in the County have migrated to a UHF system. We need to do that to continue to provide them the resources that we need to be able to page them out for their alarms in the case of an emergency. There are also several State and Federal, I won't say mandates because that's not the right word, but initiatives that to coordinate nationally through the same use of these UHF channels, so that would give us that interoperability as well on what they call the you call channels and the you tack frequencies. So that if we had resources that were coming from outside of our jurisdiction from Nassau, from Upstate, from Phoenix, Arizona, we would be able to communicate with them as well.

**LEG. GREGORY:**

This allows us the capability to communicate with the various departments because we're not necessarily able to do that.

**MR. MINIUTTI:**

That's correct. What's happened is that the low band VHF system, to be honest, the County's been behind the times and it hasn't been able to sustain the fire service, so they have all migrated off to their own UHF frequencies. That has presented some difficulties with us being able to activate them, so that we've come up with a number of roundabouts to continue to get the job done, but it's really not effective and it's not hardened in any way really to be the system that a public safety entity should have.

**LEG. GREGORY:**

Okay. Thank you.

**CHAIRPERSON BROWNING:**

This is also -- there's a six million dollar grant tacked on to this one. Isn't this --

**MR. MINIUTTI:**

I'm going to defer to Mike Postel for that, Police Communications. It's a separate item on your agenda.

**CHAIRPERSON BROWNING:**

Oh, okay. This is the different -- which one was that?

**LEG. GREGORY:**

The last one.

**CHAIRPERSON BROWNING:**

Oh, the last page.

**MR. POSTEL:**

Mike Postel, Police Communications Director. The six million dollar grant, there's the separate resolution later and it does not have anything to do with the Capital Program that FRES was just speaking about.

**CHAIRPERSON BROWNING:**

Okay. Thank you. We had a motion and a second. All in favor? Opposed? Abstentions? It's approved (**VOTE: 7-0-0-0**).

*1483-13 - Amending Resolution No. 759-2012 to approve the purchase of (1) one replacement vehicle in accordance with Section (B)(6) of the Suffolk County Code and in accordance with the County Vehicle Standard Law (CP 1132) and for the purchase of equipment (Co. Exec).* What is this? Hold on.

**DR. MILEWSKI:**

That's for me.

**CHAIRPERSON BROWNING:**

Oh, okay. Dr. Milewski, if you'd like to kind of give us -- I guess I'll make a motion.

**LEG. CALARCO:**

Second.

**CHAIRPERSON BROWNING:**

We have a second, Legislator Calarco. And if you can give us a little bit of information on this one.

**DR. MILEWSKI:**

This resolution was drafted at the request of DPW to improve the language that was a part of a resolution that was already passed on our capital project slated for 2012. It changes the language so that the vehicle can be specific for an SUV.

**CHAIRPERSON BROWNING:**

Okay. Yes, I see that now. Well, that is -- I guess I made a motion and there was a second. And thank you. All in favor? Opposed? Abstentions? It's approved (**VOTE: 7-0-0-0**).

**DR. MILEWSKI:**

Thank you.

**CHAIRPERSON BROWNING:**

*1499-13 - Accepting and appropriating grant funds in the amount of \$171,893 from the United States Department of Transportation for a dedicated Commercial Motor Vehicle Safety Enforcement Project with 80% Support (Co. Exec).*

**LEG. KENNEDY:**

Motion.

**CHAIRPERSON BROWNING:**

Motion to approve, Legislator Kennedy. Second, Legislator Muratore. All in favor? Opposed? Abstentions? It's approved (**VOTE: 7-0-0-0**).

*1505-13 - Directing the Suffolk County Police Department to establish an Emergency Call Center Action Team (Hahn).* Legislator Hahn, that's your bill.

**LEG. HAHN:**

Tom, can you -- is it -- do I have to make a motion so we can discuss? I'll make a motion to approve for the purposes of discussion.

**LEG. CALARCO:**

Second.

**CHAIRPERSON BROWNING:**

And there was a second. Motion to approve, Legislator Hahn, second, Legislator Calarco.

**LEG. HAHN:**

And I want to thank the Administration for all of their work on this issue over the last several months, and I know that they are as committed as we are to finding a solution for the Call Center employees and for our residents, the safety of our residents. Tom, I know you have been working very hard on this issue and so, you know, I want to thank you for all the time you've put in.

This resolution came out of, you know, several discussions I had with individuals in the Call Center and within the union, recognizing the need in various scenarios that could arise, holidays, storm/weather type of emergencies like a blizzard or a hurricane, for there maybe to be some sort of team that we can call on. I know there were some issues with the resolution that I introduced on the day of the meeting, but we did make some changes and I just wanted to know -- I know that the Administration was working on this kind of idea even without the legislation. So if there's progress on that, you know, maybe we don't need to move forward, but I would -- I'd like for there to be a, you know, temporary line established and temporary positions established so that this kind of group can be created. I don't know if there's something you want to say on that.

**MR. VAUGHN:**

Sure. So you are right, this is an issue that we have been looking at. At the last meeting I promised you that I would talk about what we could do to establish something very similar to this. Just to go back a little bit, though, this issue of using previous retirees has been brought up repeatedly throughout the last couple of months. As a matter of fact, one of the very first times that it was brought up, as soon as it was brought up it was a conversation that I had with Ms. McBride, and at that point in time she advised me that she didn't think that it was a viable solution. So given that, you know, she is the rep for that department, after receiving what I thought was a vote of no confidence in that it was not one of the many avenues that we've been pursuing in terms of providing relief to this unit.

I would also like to remind the committee that we have committed to a very large number of SCIN forms for this, and I think the total investment on that actually will equal about \$700,000 next year,

which is certainly a pretty large upgrade in terms of staffing and personnel.

Now, we also received a second inquiry for this, not only from yourself, Legislator Hahn, to go back and see if maybe there was another option available, but also from Mike Finland from AME. I had a conversation with him on Friday of the week of the general -- the Friday before the General Meeting. I told him that we would jump right back into that as soon as the General Meeting was over. I just asked him for a couple of days to get past the busyness that is associated with the General Meetings for the Executive staff, and we did. And we have been working with both Scott Mastellon, who is a member of the Performance Management Team and is actually based out in the Police Department, and we have also spoken with the Budget Office about this.

One of the things that we have done so far is that we've identified a pool of individuals, and we believe that that pool is approximately seven. The basis for that pool is based on Civil Service law, and if there are workarounds that Mr. Schneider can provide to us, that would be Director Schneider from Civil Service can provide to us, we will be happy to explore those as well, but just our initial purview we have come up with a pool of seven. We have spoken to two of those individuals directly, and they have expressed that they are not interested in returning. We have left a message for another three and have not gotten a call back on that yet. We wanted to leave a message for one more but they didn't have an answering machine, and then the final one the number was not in service for the previous individual. So that takes us through the seven people that we are looking at so far initially.

We do not think that the idea of establishing a part-time service team is a bad idea. One of the other things that we began to kick around as late as yesterday afternoon was whether or not -- so if the temporary individuals could not be used to answer 911 calls, there has been a very heavy concern about other type of calls being routed to the 911 Center, and it's among the solutions that we're trying to solve in terms of making sure that they're not burned by additional calls that they really shouldn't be getting. The 852 informational COP calls that come in. So certainly during an emergency there are a number of 852-COPS calls that you would want going to 911, but if we're talking about giving out information during a storm or something like that, that really shouldn't be under the purview of emergency operators. We are looking to go see if there's a way to relieve them of that burden by maybe establishing another line or something along those lines. One of the ideas that we began to kick around last night, and that we still need to explore and flush out further, would be this idea of possibly seeing if part-time individuals could be used to staff that up better. So maybe we have individuals who have been trained on operating the 911 system but maybe that training is out of date, but they're still people who are used to dealing with a crisis. So maybe having those individuals available during something certainly like a storm where we could call them in and have them boost up levels at something like another call center that we may be able to establish, maybe that's an appropriate avenue as well. So it does remain something that we are constantly working on.

You know, I share Ms. McBride's frustration. I would like a faster solution to this, but I -- the only analogy that I can come up with at this point in time is it's like a broken arm. Your arm is broken and you put it in a cast and you need to give it some time to heal, and right now the healing process is what we're going through with getting more people on and going through that hiring process. It's a very, very extensive and lengthy process, and it's something that we're working our way through. It needs to be handled in the manner that it's handled in.

I know that we have, you know, we have 12 positions in the SCINS that we've signed which we are -- which we refer to as the quote/unquote new hires, and we're going through the process of screening over 35 candidates for that. And we are also in that screening process looking at some of the people that have more recently left 911 to see if we're going to fill those SCINS as well, because we had committed to the 13 in November. Ms. McBride has detailed how we've had certain people leave service, and so that's why we're going through a pool of over 35 candidates as opposed to just

the 12 for the SCIN that we committed to.

**LEG. HAHN:**

I thought there were 14 you committed to, no?

**MR. VAUGHN:**

There might have been. I apologize.

**LEG. HAHN:**

After hearing the testimony at other meetings, maybe not today, I don't even think the 14 will be enough. But thank you, I do appreciate -- I hope I could get the Administration's commitment to a committee, as suggested by Ms. McBride, to try to just deal with the day-to-day frustrations that the employees are feeling. I think this has just gotten to such a point where we really need to have everyone's input and everyone feeling valued and everyone -- we want them to stay. So I hope we can get your commitment to pull that together.

**CHAIRPERSON BROWNING:**

You know, I do want to say we do have a hurricane season starting, and I think, you know, maybe passing it means no harm no foul if the Administration is moving forward with doing something. I like that you're talking about having a new phone number, 852-6000 comes to mind to me when you have public information employees who should be the ones responding to those informational reports that we heard last year that, you know, it was 852-COPS, call that number and 911 Operators are calling and saying we don't know anything about it. So whoever works in public information is where those calls should go. So I don't know necessarily you need to create a new number.

**MR. VAUGHN:**

Well, Legislator Browning, actually one of the -- seeing if this was a task that PIOs could take over is actually one of the things that we have been talking about, whether the Information Officers that you referred to, that's exactly it.

When I say we were looking at a new number, the idea that we bounced off would be possibly establishing an 852-INFO number just because it's easy to remember. I'm not permitted -- I'm not at this point in time -- I'm not in a position to fully promise that that is what we're going to implement, but it is certainly one of those things that we are looking at and seeing what would the cost be in establishing something like that, do we have the funding to be able to establish something like that, is there a value in establishing something like that, and we are working through it.

**CHAIRPERSON BROWNING:**

Okay. Kara? What do you want to do?

**LEG. HAHN:**

Anyone else have any comments about the bill? I'd like to approve it, you know, if we can.

**CHAIRPERSON BROWNING:**

Did we have a motion and a second? I believe we did. Okay. All in favor? Opposed? Abstentions? It's approved. **(VOTE: 7-0-0-0)**.

We'll continue to work with the Administration to make sure that we can do this, because clearly if we have another major hurricane type season where we'll definitely need some additional staff.

**LEG. HAHN:**

And it may also just -- even if it doesn't happen now, in the future we don't want to get to where we're at and maybe there'll be more interested -- maybe we need to expand it beyond Suffolk

County. Maybe, you know, we need to think about how to get at a larger pool of individuals.

**MR. VAUGHN:**

Well, I would also say that one of the issues that we run into is that we do have a very -- my understanding is that the systems are very specific to the counties in which they are developed and that these are not -- that these are very -- it seems to me, and to listen to the way it's been described to me, I mean, it seems to me to be a minor miracle that anybody can perform the number of functions at one time. I mean, it's like a high wire act juggling at the same time while flying a helicopter or something. I mean, it really does sound like a pretty amazing skill set to me.

**LEG. GREGORY:**

Keep the analogies coming, Tom.

*(\*Laughter\*)*

I work on them just for you Legislator.

**LEG. GREGORY:**

Yeah, yeah. Keeps me awake.

**MR. VAUGHN:**

And also regarding the hurricane season, Legislator Browning, since you have mentioned it twice, the Administration has committed to having a presentation at the next meeting to discuss the hurricane season.

**CHAIRPERSON BROWNING:**

That's right. We do have that. That's July's meeting.

**MR. VAUGHN:**

And we are looking forward to it.

**CHAIRPERSON BROWNING:**

Good. We're looking forward to asking questions. Okay. So I believe we passed 1505. ***1506-13 - Accepting and appropriating a grant providing 100% support, in the amount of \$6,000,000 in State funding from the New York State Division of Homeland Security and Emergency Services, and amending the 2013 Capital Budget and Program in connection with the purchase of Interoperable Communications Equipment (CP 3245)(Co. Exec).***

I'll make a motion to approve and place on the Consent Calendar.

**LEG. CALARCO:**

Second.

**CHAIRPERSON BROWNING:**

Second, Legislator Calarco. All in favor? Opposed? Abstentions? It is approved and placed on Consent Calendar. ***(VOTE: 7-0-0-0)***.

With that, we have nothing more on the agenda. Motion to adjourn. Second, Legislator Calarco. We are adjourned.

***(\*The meeting was adjourned at 11:54 A.M. \*)***

{ } Denotes Spelled Phonetically